

Application No.: 09/656,440

### **REMARKS**

Reexamination and reconsideration of this application is respectfully requested in light of the following remarks. Applicant appreciates the granting of the request for continued examination pursuant to 37 C.F.R. § 1.114.

Claims 1, 5, 6 and 11-13 are pending in this application. Claims 2-4 and 7-10 were previously canceled. No new claims have been added or amended.

### **Rejection Under 35 U.S.C. § 103**

Claims 1, 5, 6 and 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. (U.S. Patent No. 5,828,780) in view of Ito et al. (U.S. Patent No. 5,884,120) and Miller et al. (U.S. Patent No. 5,627,995). According to the Examiner, Suzuki et al. discloses an image processing apparatus for processing imaging data to be given to an output device, the apparatus including a decision controller, determining for each page to be printed whether image data is within a color reproduction range for the output device, deciding parameters to be used for color correction and a color compressing controller to compress the image data. The Examiner concedes that Suzuki fails to teach plural pages and an image processing apparatus having a memory or memorizing all of the plural pages of the job. For these deficiencies, the Examiner relies on Ito et al., which according to the Examiner teaches image processing for a plurality of pages with sufficient memory to memorize all of the pages. However, the Examiner concedes that that the combined teachings of Suzuki et al. and Ito et al. fail to teach and/or suggest compressing uniformly plural pages using the same parameters. For this deficiency, the Examiner relies on Miller et al. as teaching a "well-known" example of a controller for compressing uniformly a plurality of pages using the same parameters. From these teachings,

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the Examiner concludes that the combined teachings of the references would render the claimed subject matter obvious. Applicant respectfully traverses.

The Examiner correctly recognizes that Suzuki et al. do not disclose processing a plurality of pages as required by the claims. However, the deficiency noted by the Examiner in Suzuki et al. is not made up by the Ito et al. disclosure. As noted in previous arguments, Ito et al. is directed to placing four images (or pages) on a single sheet of paper. It is not directed to compressing uniformly all plural pages using the same parameters as required by independent claims 1 and 12.

The Examiner's reliance on the disclosure at col. 6, lines 32-39 is not seen as being directed to processing multiple pages. "N" is the number of pages or images to be printed "in a sheet of paper" (underscoring added for emphasis). Therefore, the reference is not directed to a printing job of printing multiple sheets of paper, but to printing multiple images or pages on a single sheet of paper.

The Examiner finds that it would have been obvious to modify Suzuki et al. using the teachings of Ito et al. to process image data with a plurality of pages for the following reasons: (i) to prevent the entire color image from losing the color attractiveness and (ii) to allow for printing multiple pages. Applicant disagrees that these are valid reasons. Suzuki et al. does not disclose or suggest processing multiple images, let alone processing all images before printing to prevent all images on separate pages from losing color attractiveness by insuring that the data for color correction fall within the color reproduction range of the output device. At best, Suzuki et al. could only be modified by the teachings of Ito et al. to print multiple images or pages on a

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single page. The suggestion to print multiple images on separate pages could only come from Applicant's disclosure.

As acknowledged by the Examiner, the combined teachings of Suzuki et al. and Ito et al. do not suggest using a compressing controller for compressing uniformly all of the pages to be outputted to the output device using the same parameters. The Examiner's reliance on Miller et al. to provide this teaching is not well taken. Miller et al. is directed to compressing data, but the reference does not disclose or suggest compressing image data uniformly for outputting to an output device. Further, the reference does not teach or suggest compressing uniformly the data using the same parameters as required by independent claims 1 and 12. A suggestion for this feature of the claimed subject matter could only have come from Applicant's disclosure.

For all of the foregoing reasons, the Examiner has not established a *prima facie* case of obviousness of the claims over the combined teachings of Suzuki et al., Ito et al. and Miller et al. It is respectfully requested that rejection of claims 1, 5, 6 and 11-13 under 35 U.S.C. 103(a) be reconsidered and withdrawn.

### **Conclusion**

It is respectfully requested that favorable consideration be given to all of the claims of this application. However, should the Examiner consider that some or all of the claims would be allowable if further amended in a specific manner, the Examiner is requested to contact Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. § 1.17 and due in

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connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, reading "Cameron Weiffenbach". The signature is fluid and cursive, with the first name "Cameron" written in a larger, more prominent script than the last name "Weiffenbach".

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